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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,673	02/13/2002	Mauro Costa	COSTA 2-2-3	8910
7590	04/21/2005		EXAMINER	
Lucent Technologies Inc Docket Administrator Room 3C 512 600 Mountain Avenue PO Box 636 Murray Hills, NJ 07974-0636			PATEL, JAY P	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/936,673

Applicant(s)

COSTA ET AL.

Examiner

Jay P. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/13/2002.
- 2a) ☐ This action is **FINAL**.. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1, 2, 4(a) and 5(a) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 2 and 3 are objected to because of the following informalities: Claim 2 and 3 depend on independent claim 1, therefore, claim 2 and 3 should begin with the definite article "The" instead of the indefinite article "A". Appropriate correction is required.

3. Claim 5 is objected to because of the following informalities: the word "and" should be inserted between the words "Function" and "Transport" on line 31 of claim 5. Appropriate correction is required.

4. Claim 5 is objected to because of the following informalities: the word "for" on line 6 of claim 6 should be replaced with the word "and". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al. (US Patent No. 6611533 B1).

7. In regards to claim 1, Liao anticipates, A method of providing a user of a telecommunications network with Signaling System Number 7 functionality, the network operating Internet Protocol and at least one of Transport Control Protocol and User Datagram Protocol and having between the user and the Core Network of the telecommunications network at least one interface, characterized by providing between the user and the Internet Protocol an interface protocol layer, said interface protocol layer interfacing with at least one of Transport Control Protocol and User Datagram Protocol whereby Signaling System Number 7 information is transmitted across said at least one interface. Liao discloses, a TCAP/IP Interworking gateway for interworking PTN/SS7 network and IP network and a processor, connected to a first and a second interface; wherein the first interface is adapted to communicate with the PTN/SS7 network and the second interface is adapted to communicate with the IP network using

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the TCP/IP messages (see figures 1 and 2, PTN/SS7 network 10, IP network 20, interfaces 110 and 120, processor 130; column 10 lines 20-38). This disclosure anticipates, a telecommunications network with SS7 functionality, operating IP protocol and TCP and having an interface between the user and the core network (either the PTN/SS7 network 10 or the IP network 20) an interface; wherein the interface (interface 120) is characterized by having between the user and the IP network a TCP protocol wherein SS7 information is transmitted across one interface (interface 110).

8. In regards to claim 2, Liao discloses that the processor can be adapted to provide SCCP addressing and routing the PTN/SS7 network and the IP network respectively (see figure 4 and column 12 lines 31-34). This disclosure anticipates a method in which the interface protocol layer is provided between a signaling application adopting SCCP access points to access signaling transport service and the Internet Protocol.

9. In regards to claim 3, Liao discloses that the processor can be adopted to execute a STIP software application program for processing encapsulated TCAP messages exchanged with the IP network (see figure 4, STIP layer 220 and column 12, lines 34-37). This disclosure anticipates the interface protocol layer providing functions not provided by the TCP or UDP because as evident from figure 4, the STIP layer is above the TCP/UDP layer.

10. In regards to claim 4, it provides the system that carries out the method of claim 1, therefore all the relevant disclosure by Liao used in regards to claim 1 is also applicable to claim 4.

11. Claims 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al. (US Patent No. 5842138).

12. With regards to claim 5, Lu discloses a multiple-layer communication stack for communicating among software functional blocks (SFBs); the Base station controller SFB and the Base transceiver system communicate using application layer protocol (see figure 9A, BSC SFB 490, BTS SFB 492 and application layer protocol layer 494; column 13 lines 36-40). This discloser anticipates, a base station controller having a protocol stack comprising a BSS Management Application Part and a Direct Transfer Application Part Distribution Function. The base station controller SFB is analogous to the BSS Management Application Part since the SFB uses application protocol layer to communicate with the BTS SFB; the application layer itself is analogous to the Direct Transfer Application Part Distribution Function since the protocol itself is defined by direct message flows across the stacks (see column 13, lines 40-45). Lu also discloses that the disclosed configuration-dependent architecture can be implemented using a local area network protocol such as TCP/IP (see column 7, lines 14-18). This disclosure anticipates a TCP and an interface protocol the distribution function and the TCP. Furthermore, Lu discloses that data routing is done at layers below the configuration independent linkage blocks (CILB) to communicate between SFBs (see figure 9A, interface line 500 and column 13, lines 47-49). Therefore, it is further inherent that there is an interface protocol layer between the distribution function and the TCP.

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13. In regards to claim 6, the examiner views a radio network controller and the radio network application part as being equivalent to the base station controller and the BSS management application part of claim 5. Therefore, all the relevant disclosure with regards to claim 5 is also applicable to claim 6.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay P. Patel whose telephone number is (571) 272-3086. The examiner can normally be reached on M-F 9:00 am - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jay P. Patel  
Assistant Examiner  
Art Unit 2666



KENNETH VANDERPUYE  
PRIMARY EXAMINER